

SALEM PLANNING AND ZONING COMMISSION  
December 15, 2009

Present

Amato, R  
Bingham, D`  
Buckley, K  
Chinatti, M.-Town Planner/ZEO  
Fogarty, G.  
McKenney, H.  
Savalle, R.  
Walter, G.

Absent

Nikirk, G  
Smith, V., Alt.  
Vacancy, Alt

Guests

See attached

**A. CALL TO ORDER**

Chairman H. McKenney called the meeting to order at 7:00 pm and introduced the members and staff present.

**B. ADDITIONS TO THE AGENDA**

None

**C. PUBLIC HEARING**

Kobyluck Brothers, LLC-the public hearing has been rescheduled due to the applicant improperly notifying abutters for the public hearing.

**D. PETITIONERS**

- 1) **LDP#09-12-01-William Kewer, applicant, Jason & Jennifer Potts, owners for property at 639 West Road, a.k.a. Lot 16-15 in the C.N.S. lSunset Meadows (Slota-Novak) subdivision. Proposed lot development.**

G. Walters recused himself due to the applicants engineer doing work for him also.

G. Fogarty was seated for G. Nikirk

M. Chinatti stated the applicant wants to move the site of the house farther back on the lot. She reminded the Commission that when the subdivision was approved drainage issues were a concern. She stated that the subdivision was approved with the condition that all lot development plans must be reviewed by the Town's engineer and approved by the Commission. Any concerns she has can be addressed during the building

permit process. M. Chinatti stated she recommended approving the application.

The engineer's comments were discussed (see file copy). H. McKenney had concerns with items 3 & 8 on the engineers memo and asked if they could be conditions of approval

W. Kewer, prospective buyer of the property, stated that the perk tests were good and he did not think it would be difficult to work through the issues addressed by the engineer.

G. Fogarty asked if the lot would accommodate moving the house farther back. Mr. Kewer replied that it did.

**M/S/C (McKenney/Buckley) to approve plot plan LDP #09-12-01 application with conditions that the plan be revised to include the recommendations outlined in communication dated December 15, 2009 to the Salem Planning and Zoning Commission from Nathan Jacobson be met. Vote: Approved Unanimously**

- 2) SPM #09-12-01-Gary J. Winalski, applicant, Mantis, LLC, owner, for property at 595 Norwich Road, a.k.a. State Route 82. Proposed site plan modification to relocate two (2) previously approved 50' x 30' cold frame greenhouses and add and 80' x 45' x 32' storage building.**

M. Chinatti stated she received comments from the town's engineers (see file copy) that afternoon. She has not had time to review the plans; comments have not been received from the sanitarian, public works director, or fire marshal. She suggested the application be continued the following month.

The applicant reviewed the town engineer comments and thought they could be dealt with.

H. McKenney stated the applicant could be put on the agenda for the second planning meeting on January 26<sup>th</sup>. He stated that it was his recollection that a waiver was approved for this property in 2005 and requested M. Chinatti to find the waiver.

G. Fogarty asked if there was any verbiage on the rooster.

The engineer stated that the rooster is for sale and he understood some thought the rooster was a sign.

The Commission discussed the difference between the "rooster" and the "Paul Bunyon" statue that had come before the

Commission in the past and agreed that the “rooster” was not a sign.

**M/S/C (McKenney/Buckley) to continue site plan modification # 09-12-01 to the January 26, 2010 Planning and Zoning Commission meeting. Vote: Approved Unanimously.**

**E. PUBLIC COMMENT**

None

**F. OLD BUSINESS**

**1) Municipal Land Use Plan (MLUP)-Committee Update, Karen Buckley**

K. Buckley handed out a summary of the status of the MLUP (see file copy.) She explained that the committee is in the data-gathering phase. D. Bourdeau has provided a report of the physical condition of the town owned buildings. The committee will then look at the function and usefulness of the buildings.

A letter has gone out to elected officials and town employees to discuss the buildings and work spaces. A form and questionnaire has been drafted.

K. Buckley hopes to have the data gathering phase done by the end of January.

D. Bingham discussed the old library and stated that if there could be another place for the Friends of the Library to store their books then that building could possibly be rented out.

G. Fogarty stated that the old library has deed restrictions and it may not be as easy as finding a place to store the books. The library has the rights to the old library and is the one to decide what is done with the building. She suggested interviewing the Library Board. K. Buckley stated that she was surprised that there are deed restrictions on some of the municipal properties. K. Buckley stated that M. Chinatti would be researching what deed restrictions there were on town owned properties. H. McKenney stated that these should be embedded in the MLUP.

D. Bingham stated that the agreement with the East Lyme High School would be expiring within the next several years and the committee may want to explore that issue also.

## **G. NEW BUSINESS**

None

## **H. ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT**

M. Chinatti informed the Commission of a grant that D. Bourdeau and she have been working on. The grant is available to the town for the Niantic River Watershed area. The grant will be done jointly with the Town of Montville. The request will be for \$40,000, the grant is a 60/40 grant, the town will be responsible for a 40 percent match, which will be provided for by inkind services. She stated that the funds would be used to buy a GPS, which would be accurate to within a couple of inches. Software and antennas would also be purchased. Storm water outfalls, and chemical testing to establish baseline water quality would be done. Twelve people would be trained on the use of the GPS. The chemical testing is important to know the water quality and if it has changed over the years.

D.Bingham asked if the water could be tested for drugs. He stated that the issue of drugs that have been disposed of and ending up in the water supply is a serious concern. M. Chinatti did not know what specifically the water would be tested for.

The towns would be sharing co-ownership of the equipment and after the grant work was done there would be many uses for the GPS.

H. McKenney requested that M. Chinatti draft a document explaining the grant costs, processes and possible consequences for the town. He asked that a copy be given to the Board of Selectman and the Board of Finance.

G. Fogarty suggested that the inkind service be documented because the Board of Finance has had issues with the public works doing inkind service.

## **I. APPROVAL OF MINUTES OF PREVIOUS MEETINGS:**

**M/S (Buckley/Bingham) to approve the minutes of November 17, 2009, November 24, 2009, and December 1, 2009**

11/17/09 – P. 3, top of page, 2<sup>nd</sup> bullet: delete “Her inspections have shown that it” and change to “It is the opinion of the ZEO that the slope...”

12/1/09:

Page 2, 3<sup>rd</sup> paragraph, line 3: “...to “seal” it, were if ~~he~~ **Mr. Russo** had ~~commented on the previous letter~~ ***stated that the site had been rehabilitated according to the regulations, special exception, site plan and injunction...***”

Page 2, add NEW paragraph immediately after paragraph 6: ***In response to a question from Ms. Chinatti, Mr. Kobyluck stated that he would continue the practice of contacting those on his “call list” prior to any blasting.***

Page 2, add NEW paragraph immediately before the motion: ***Chairman McKenney indicated to Mr. Kobyluck that the restoration process regarding phase I should be specifically addressed, in detail, at the public hearing for renewal of the special exception. He continued, stating that he is extremely concerned about current site conditions/how site restoration in accordance with the approved plan will be accomplished.***

G. Fogarty commented on the November 17<sup>th</sup> minutes and questioned the lack of content during the Kobyluck discussion. She stated that the opinions and comments from the Kobyluck’s were recorded but not the responses or comments from the Commission. The November 24, 2009 minutes do not reflect any of the advice, or comments from the Commission’s attorney, Steve Byrne. She felt that there was important information that the attorney offered that was not reflected in the minutes. H. McKenney stated that he would discuss “beefing up” the November 24,<sup>th</sup> minutes with the recording secretary for the approval at the next meeting.

**M/S/C (Buckley/Bingham) to amend the motion to approve the November 17<sup>th</sup>, 2009 and the December 1<sup>st</sup>, 2009 minutes as amended and to bring back the November 24<sup>th</sup> minutes for approval at the next meeting. Vote: Approved Unanimously for the November 17<sup>th</sup> 2009 minutes. Vote Approved for the December 1<sup>st</sup> 2009 minutes. In favor, McKenney, Buckley, Savalle, Walter, Fogarty, IAmato. Opposed, none. Abstain, Bingham.**

H. McKenney requested that an action item list be added to all agendas starting on January 26<sup>th</sup>, 2010. He stated that formalizing policies, revision of the November 24<sup>th</sup> minutes, and report on the Niantic River Watershed Grant be added to the action item list.

**J. PLUS/DELTAS**

The Commission review of the positive aspects and areas for improvement in regard to the conduct of tonight's meeting.

**K. CORRESPONDENCE**

None

**L. ADJOURNMENT**

M/S/C (Fogarty/Bingham) to adjourn the meeting at 8:25 pm. Vote: Approved  
Unanimously